

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE



SHANE K. HOPKINS
PLAINTIFF

✓

C/o John Pusey, ETAL,
DEFENDANT

C.A. No 05-870-SLR

COMES NOW THE PLAINTIFF SHANE K. HOPKINS MOTION
TO AMEND THE ABOVE NUMBERED COMPLAINT PURSUANT
TO RULE 15(C) OF THE FEDERAL RULES OF CIVIL PROCEDURE.

THE PLAINTIFF, AS A PRO SE LITIGANT ASKS FOR THIS
COURT'S PATIENCE AND SOME MEASURE OF LATITUDE WITH
REGARD TO THIS MOTION.

- 1) THE PLAINTIFF ASKS THAT THIS COURT GRANT PERMISSION
TO AMEND THIS COMPLAINT TO CONFORM WITH MATERIALS THAT
THE PLAINTIFF OBTAINED THROUGH THE DISCOVERY PROCESS.
- 2) THIS AMENDED COMPLAINT WILL CONTAIN THE ADDITION
OF (5) NEW DEFENDANTS WHO WHERE PRESENT AND
TOOK PART IN THE NOVEMBER 26TH 2004 INCIDENT
FOR WHICH THE PLAINTIFF HAS FILED THIS COMPLAINT.

3) THE NAMES OF THESE CORRECTIONAL OFFICERS ARE:

- A) LT. SALAS FIRST NAME UNKNOWN.
- B) Sgt Clifton CUTTER
- C) CPO GLENENISE BAKER
- D) CPO LUISA SKINNER
- E) CPO SHANE BURWELL

4) You Honor THESE Individuals Know And Should HAVE Known That THERE Actions AND OR IN ACTIONS Would HAVE MADE Them NAMED INDIVIDUALS WITHIN THE ORIGINAL COMPLAINT.

5) THE ONLY REASON Why They WHERE NOT NAMED WITHIN THE ORIGINAL COMPLAINT WAS BECAUSE THE PLAINTIFF WAS UNAWARE OF THEIR PRESENCE AND OR INVOLVEMENT DUE TO THE USE OF A CHEMICAL AGENT Eg. CAP SOL RENDERING THE PLAINTIFF Without Vision.

6) THE PLAINTIFF ONLY LEARNED OF THEIR NAMES ON NOVEMBER 16TH. TEN DAYS PRIOR TO THE EXPIRATION OF THE DEADLINE TO FILE AN TIMELY AMENDED COMPLAINT.

7) THE DISTRICT ATTORNEY'S OFFICE MOST LIKELY KNEW OF THEIR INVOLVEMENT AND OR PRESENCE DURING THE NOVEMBER 26TH 2004 INCIDENT FOR SOME TIME.

- 8) THE LACK OF INITIAL DISCLOSURES EFFECTIVELY KEPT ANY KNOWLEDGE OF THESE INDIVIDUALS FROM THE PLAINTIFF. HOWEVER THE PLAINTIFF IS NOT SURE IF THERE SHOULD HAVE BEEN INITIAL DISCLOSURES BETWEEN THE DEFENCE AND THE PLAINTIFF OR HOW MUCH CULPABILITY THE PLAINTIFF HIMSELF INCURRED DUE TO IGNORANCE WITH REGARD TO THE FEDERAL RULES OF CIVIL PROCEDURE.
- 9) THE PLAINTIFF WOULD LIKE TO AMEND HIS COMPLAINT TO ADD A VIOLATION OF THE PLAINTIFF'S DUE PROCESS DURING HIS INSTITUTIONAL DISCIPLINARY HEARING BY LT. SAVAGE.
- 10) YOUR HONOR THE PLAINTIFF DID NOT EVEN KNOW THAT HE HAD RIGHTS AT ALL WITH REGARD TO THIS HEARING WHEN HE FILED THE ORIGINAL COMPLAINT. HOWEVER THE VIOLATION OF DUE PROCESS WAS SO FLAGRANT THAT THE PLAINTIFF PRAYS THAT THIS COURT WILL CONSIDER THE MATTER DESPITE THE FACT THAT IT WAS NOT DIRECTLY BROUGHT TO THE COURT'S ATTENTION IN PREVIOUS PLEADINGS.
- 11) THE PLAINTIFF WILL ALWAYS FEEL INADEQUATE QUOTING CASE LAW BUT PLEASE SEE STEVEMAN V. ALIAS RESEARCH INC. 147 F3d 79. "WHEN NO NEW COUNTS ARE ALLEGED THE COURT WILL LIBERALLY GRANT RELATIONSHIP UNDER 15(c).

12) DURING THIS DISCIPLINARY HEARING THE PLAINTIFF WAS DENIED HIS REQUESTED COUNSEL REPRESENTATIVE I/M CHE'S DESMOND. * PLEASE SEE PLAINTIFFS PRODUCTION OF DOCUMENTS PAGE #2.

13) THE PLAINTIFF WAS DENIED THE CHANCE TO CALL REQUESTED INMATE WITNESSES MARTIN ROBERTS, WILLARD CHEATWOOD, AND CURTIS BROWN. * PLEASE SEE PLAINTIFFS PRODUCTION OF DOCUMENTS PAGE #2.

14) FURTHERMORE THE PLAINTIFF BECAME THE OUT-RIGHT VICTIM OF VERBAL ABUSE AND TAUNTS FROM CORRECTIONAL OFFICERS FOR WHICH THE HEARING OFFICER L.T. SAVAGE DID NOTHING ABOUT.

* PLEASE SEE GRIEVANCE WITHIN PLAINTIFFS PRODUCTION OF DOCUMENTS SUPPLEMENTAL PAGE #1

15) YOUR HONOR THIS ISSUE OF VIOLATION OF DUE PROCESS IS VERY IMPORTANT BECAUSE THE PLAINTIFF HAS ALWAYS CONTENTED THAT HE DID NOTHING TO DESERVE THE DEFENDANTS TREATMENT AND THE RESULTING GUILTY RULING BY THE HEARING OFFICER CAUSED THE PLAINTIFF TO LOSE HIS JOB, LOSE GOOD TIME THAT WOULD HAVE BEEN EARNED, AND CAUSED THE PLAINTIFF TO BE UNJUSTLY HOUSED WITHIN THE SECURE HOUSING UNIT FOR IN EXCESS OF 16 MONTHS CREATING A SIGNIFICANT HARSHSHIP THAT I LACK THE WORDS TO EXPLAIN.

16) THE PLAINTIFF WOULD LIKE TO AMEND THE COMPLAINT TO ELIMINATE THE DEFENDANTS WHOM YOUR HONOR HAS DISMISSED FROM THE COMPLAINT.

17) THE PLAINTIFF WOULD LIKE TO AMEND THE COMPLAINT TO REQUEST A MORE REALISTIC JUDGEMENT. AND THE PLAINTIFF WOULD LIKE TO TAKE THIS OPPORTUNITY TO POINT OUT THAT THE PREVIOUS REQUEST FOR DAMAGES WAS THE PRODUCT OF THE PLAINTIFFS RELIANCE ON INEPT JAIL HOUSE LAWYERS.

18) THE PLAINTIFF UNDERSTANDS THAT THE PERMISSION TO AMEND THE COMPLAINT IS AT THE COURTS DISCRETION. IT IS NOT THE PLAINTIFFS INTENTION TO STALL LITIGATION.

April 30th 2006

Shane Hopkins

SHANE K. HOPKINS #253916
D.C.C.
1181 Paddock Rd.
Smyrna Delaware
19977

Certificate of Service

I, Shane K. Hopkins, hereby certify that I have served a true and correct cop(ies) of the attached: MOTION TO SUBPOENA
F.B.I AGENT BRENDA WISE REPORTS upon the following parties/person (s):

TO: STACEY XARHOUAKOS
DEPUTY ATTORNEY GENERAL
820 N FRENCH STREET 6TH FLOOR
WILMINGTON DELAWARE
19801

TO: _____

TO: _____

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 4th day of MAY, 2007

Shane Hopkins

IM SHANE L. Hopkins
SBI# 253918
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977
UNIT # 22

WILMINGTON DE 19801-3570
MAY 2007



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